Issuance Date: November 12, 2004
Effective Date: December 1, 2004
Expiration Date: June 30, 2009

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA0040339

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7600

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
And
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Manke Lumber Company, Inc.
13702 8th Street East
Sumner, WA 98390

Facility Location:	Receiving Water:
Superior Wood Treating 13702 8th Street East Sumner, WA 98390	White River
Water Body I.D. No.: WA-10-1030	Discharge Location: Outfall 001: Latitude: 47° 15' 00" N Longitude: 122° 14' 48" W
Industry Type: Wood Preserving	Outfall 002: Latitude: 47° 14' 35" N Longitude: 122° 14' 42" W

is authorized to discharge in accordance with the special and general conditions which follow.

Kelly Susewind, P.E., P.G.
Southwest Region Manager
Water Quality Program
Washington State Department of Ecology

TABLE OF CONTENTS

SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S2.A	Discharge Monitoring Report	Monthly	January 15, 2005
S2.E	Noncompliance Notification	As necessary	
S3.A and S.6	Operations and Maintenance Manual and Treatment System Operating Plan	1/permit cycle	January 31, 2009
S3.A	Modifications to Operations and Maintenance Manual	As necessary	
S3.B	Reporting Bypasses	As necessary	
S4.C	Modification to Solid Waste Plan	As necessary	
S4.C	Solid Waste Control Plan Update	1/permit cycle	January 2, 2009
S5. and G5.	Draft AKART/Engineering Report for stormwater discharge treatment alternative	1/permit cycle	January 31, 2006
S6.	Final Engineering Report	l/permit cycle	June 30, 2006
S6.	Water Effects Ratio Study (if necessary)	l/permit cycle	May 30, 2007
S6.	90% Complete Construction Documents	1/permit cycle	November 30, 2007
S6.	Final Construction Documents	1/permit cycle	January 31, 2008
S7.	Spill Plan Updates	As necessary	
S11.B2	Stormwater Pollution Prevention Plan Modifications	As necessary	
S11.C2	Notification of Unpermitted non-stormwater to *Stormwater Drainage System*	As necessary	
G1.	Notice of Change in Authorization	As necessary	
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	
G7.	Application for Permit Renewal	1/permit cycle	January 2, 2009
G8	Notice of Permit Transfer	As necessary	
G21	Reporting Anticipated Non-compliance	As necessary	
G22.	Reporting Other Information	As necessary	

SPECIAL CONDITIONS

S1. MONITORING SCHEDULE AND DISCHARGE LIMITATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit.

The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

A. Prohibited Discharges

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee shall not discharge process wastewaters to the waters of the State. Noncontact cooling water and boiler blowdown is also prohibited from discharge to the waters of the State.

Process wastewaters are defined as: all wastewater generated as a result of conditioning wood prior to, or during, the treatment process; any wastewaters generated as a result of preservative formulation, recovery or regeneration; any wastewaters generated as a result of process area cleaning operations including, but not limited to, wastewaters from the drip pad, retort and tank farm maintenance operations; and any stormwater associated with the process area including the tank farm, retort, drip pad, and any area across which treated product is moved prior to its having ceased dripping.

B. Authorized Discharge of Treated and Untreated Product Storage Area Stormwater

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge stormwater from the treated and untreated product storage area at the permitted locations (outfalls 001 and 002) subject to meeting the following monitoring schedule and limitations. Interim limits will take effect beginning on the effective date of this permit and will terminate on June 29, 2009. Final limitations will take effect beginning on June 30, 2009.

Interim and Final Stormwater Monitoring Schedule and Limitations for Outfalls 001 and 002

Parameter	Units	Interim and Final Limits Minimum Daily	Interim Limits (12/1/2004-6/29/2009) Maximum Daily[1]	Final Limits (6/30/2009) Maximum Daily[1]	Minimum Sampling Frequency[2]	Sample Type
Flow[3]	gpd	N/A	Report	Report	1/month	Estimate
Oil and Grease[4, 5]	mg/L	N/A	10	10	1/month	Grab[6]
Total Suspended Solids (TSS)[4, 5]	mg/L	N/A	50	50	1/month	Grab[6]
Ammonia[5]	mg/L	N/A	Report	Report	1/month	Grab[6]
Total Arsenic[7, 8, 5, 13, 14]	µg/L	N/A	309	309	1/month	Grab[6]
Total Chromium [7, 9, 5, 13, 14]	µg/L	N/A	210	210	1/month	Grab[6]
Total Copper[5, 7, 10, 11, 12, 13]	µg/L	N/A	238	46	1/month	Grab[6]
pH[4]	Standard units	6	9	9	1/month	Grab[6]

Notes:

1. The maximum daily stormwater effluent limitation is defined as the highest allowable daily discharge.
2. The monitoring frequency for outfalls 001 and 002 shall be once a month.
   All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inch in magnitude and that occurs at least 48 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The grab sample shall be taken during the first 60 minutes of discharge. If the collection of a grab sample is impracticable within the first 60 minutes of a rainfall event, a grab sample can be taken during the first two hours of discharge, and the Permittee shall submit with the monitoring report a description of why a grab sample was not possible during the first hour.
   If the Permittee is unable to collect a sample due to insufficient rainfall, lack of a qualifying rain event, or due to adverse climatic conditions, the Permittee shall submit in lieu of sampling data and explanation of why samples were not collected. Adverse climactic conditions which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel or otherwise make collection of a sample impracticable.

3. Flow shall be estimated for each outfall and storm event sampled based upon rainfall measurements or estimates, stormwater collection area for each outfall and an estimate of the runoff coefficient of the drainage area.
4. Oil and Grease, TSS, and pH are technology-based limits.
5. If the measured effluent concentration is below the QL, the Permittee shall report less than QL and include the QL for the method used.
6. A grab sample is an individual discrete sample.
7. All metals are expressed as total recoverable metals.
8. The method detection level (MDL) for arsenic is 1 µg/L using graphite furnace atomic absorption spectrometry (GFAA) and EPA method number 206.2 from 40 CFR Part 136. The quantitation level (QL) for arsenic is 5 µg/L (5 x MDL). EPA method number 206.3 or 200.7 may be used if the effluent arsenic concentration is five times above the method detection limit of the method.
9. The method detection level (MDL) for chromium is 1 µg/L using graphite furnace atomic absorption spectrometry (GFAA) and EPA method number 218.2 from 40 CFR Part 136. The quantitation level (QL) for chromium is 5 µg/L (5 x MDL). EPA method number 218.1 or 200.7 may be used if the effluent chromium concentration is five times above the method detection limit of the method.
10. The method detection level (MDL) for copper is 1 µg/L using graphite furnace atomic absorption spectrometry (GFAA) and EPA method number 220.2 from 40 CFR Part 136. The quantitation level (QL) for copper is 5 µg/L (5 x MDL). EPA method number 220.1 or 200.7 may be used if the effluent copper concentration is five times above the method detection limit of the method.
11. The final stormwater effluent limitations take into account an acute dilution factor of 7.2. The total chromium acute criteria is 15 µg/L and the copper acute criteria is 6.4 µg/L (based on a hardness concentration of 35 mg/L). The acute chromium and copper translators were also taken into account to transform the dissolved metals criteria to total recoverable metals. The chromium translator is 0.982 and the copper translator is 0.96.
12. The Permittee may elect to conduct a metals translator and/or Water Effects Ratio Study to evaluate whether or not there is evidence to revise the translators or to define a Water Effects Ratio based on site-specific receiving water conditions. The Permittee may also elect to conduct a receiving water hardness study to determine the actual receiving water hardness during critical conditions. Prior to conducting such studies but within 180 days of the issuance date of this permit, the Permittee shall submit a study plan to the Department for review and approval.
13. Arsenic, chromium, and copper **interim** limits are performance-based limits.
14. The arsenic and total chromium final effluent limitations are retained from the interim performance-based limit which is more stringent than the water quality criteria.

C. Dilution Factor Description

The acute dilution factor authorized for the discharge from both outfalls 001 and 002 is 7.2. This dilution factor has been determined to be the most conservative allowable mixing zone and is described in **Stormwater Mixing Zone Evaluation – Manke Lumber Company**,

Parametrix, Inc., November 1998. The acute dilution factor, in this case, is based on 2.5% of the receiving water flow at critical conditions. The acute dilution factor is authorized only to be used for total chromium and copper final effluent limitations.

D. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

E. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

F. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

S2. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be postmarked or received no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. Unless otherwise specified, all toxicity test data shall be submitted within sixty (60) days after the sample date. The report(s) shall be sent to the Department of Ecology, Southwest Regional Office, P.O. Box 47775, Olympia, Washington 98504-7775.

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S1 of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within thirty (30) days after becoming aware of the violation.

2. Immediately notify the Department of the failure to comply.

3. Submit a detailed written report to the Department within thirty (30) days (five [5] days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Maintaining a Copy of This Permit

A copy of this permit must be kept at the facility and be made available upon request to Ecology inspectors.

S3. OPERATION AND MAINTENANCE

The Permittee shall, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Operations and Maintenance Manual

An Operations and Maintenance (O&M) Manual shall be prepared by the Permittee in accordance with WAC 173-240-150 and be submitted to the Department for approval by January 31, 2009. The O&M Manual shall provide guidance for operations and maintenance of the new stormwater treatment system that will be implemented to meet the final effluent limitations of this permit. Substantial changes or updates to the

O&M Manual shall be submitted to the Department for review and approval whenever they are incorporated into the manual.

The approved O&M Manual shall be kept available at the permitted facility and all operators shall follow the instructions and procedures of this manual.

In addition to the requirements of WAC 173-240-150(1) and (2), the O&M Manual shall include:

1. Emergency procedures for plant shutdown and cleanup in event of stormwater system upset or failure.

2. Stormwater system maintenance procedures that contribute to the generation of process wastewater

3. Any directions to maintenance staff when cleaning, or maintaining other equipment or performing other tasks which are necessary to protect the operation of the stormwater system (e.g. defining maximum allowable discharge rate for draining a tank, blocking all floor drains before beginning the overhaul of a stationary engine.)

The following information shall be summarized in the initial chapter of the O&M Manual. This chapter shall be entitled the "Treatment System Operating Plan." For the purposes of this NPDES permit, a Treatment System Operating Plan (TSOP) is a concise summary of specifically defined elements of the O&M Manual. The TSOP shall not conflict with the O&M Manual and shall include the following information:

1. A baseline operating condition, which describes the operating parameters and procedures, used to meet the effluent limitations of Condition S1 at the production levels used in developing these limitations.

2. In the event of production rates, which are below the baseline levels used to establish these limitations, the plan shall describe the operating procedures and conditions needed to maintain design treatment efficiency. The monitoring and reporting shall be described in the plan.

3. In the event of an upset, due to plant maintenance activities, severe stormwater events, start ups or shut downs, or other causes, the plan shall describe the operating procedures and conditions employed to mitigate the upset. The monitoring and reporting shall be described in the plan.

4. A description of any regularly scheduled maintenance or repair activities at the facility which would affect the volume or character of the wastes discharged to the wastewater treatment system and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.).

The TSOP shall be updated and submitted, as necessary, to include requirements for any major modifications of the treatment system.

B. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions.

   Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass. The Permittee shall submit prior notice, if possible, at least ten (10) days before the date of the bypass.

2. Bypass Which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit.

   This bypass is permitted only if:

   a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

   b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.

   c. The Department is properly notified of the bypass as required in condition S3E of this permit.

3. Bypass which is Anticipated and has the Potential to Result in Noncompliance of this Permit.

The Permittee shall notify the Department at least thirty (30) days before the planned date of bypass. The notice shall contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type bypass:

a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.

b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.

c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

S4. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Control Plan

The Permittee shall submit all proposed revisions or modifications to the Solid Waste Control Plan to the Department. The Permittee shall comply with any plan modifications. The Permittee shall submit an update of the Solid Waste Control Plan with the application for permit renewal no later than January 2, 2009.

S5. ENGINEERING REPORT

No later than January 31, 2006, two copies of an approvable Draft Engineering Report shall be prepared by the Permittee in accordance with WAC 173-240 and submitted to the Department for review and approval. The Engineering Report shall include an evaluation of AKART, provide recommendations on how to meet AKART, and provide a preliminary conceptual implementation plan of the recommended alternative. If AKART is insufficient to meet the water quality-based limitation of this permit, then the Engineering Report shall also provide recommendations, and provide a preliminary conceptual implementation plan to meet these limits.

Plans and Specifications

No later than November 30, 2007, the Permittee shall submit two copies of approvable 90% Complete Construction Documents (Plans and Specifications) in accordance with WAC 173-240 to the Department for review and approval. The Plans and Specifications shall provide the design and construction documents for constructing the stormwater discharge treatment system.

S6. COMPLIANCE SCHEDULE

The following compliance schedule is intended to provide guidance to the Permittee to meet the final effluent limitations in this permit by June 30, 2009.

1. Interim Limits in Effect December 1, 2004 – June 29, 2009

2. Submit Draft AKART/Engineering Report by January 31, 2006
3. Ecology Reviews Engineering Report and Submits Comments by March 31, 2007
4. Submit Final Engineering Report for Ecology Approval by June 30, 2006
5. Submit Water Effects Ratio Study (if necessary) by May 30, 2007
6. Submit 90% Complete Construction Documents (Plans and Specifications) by November 30, 2007
7. Ecology Reviews 90% Complete Construction Documents and Submits Comments by December 31, 2007
8. Submit Final Construction Documents for Ecology Approval by January 31, 2008
9. Construct and Implement Preferred Treatment Alternative By January 31, 2009
10. Close-Out Construction and Start-Up New Treatment System By March 31, 2009
11. Submit Operations and Maintenance Manual by January 31, 2009
12. Final Limits in Effect Beginning on June 30, 2009

S7. SPILL PLAN

The Permittee shall review the existing Spill Plan at least annually and update the Spill Plan as needed. Changes to the plan shall be sent to the Department within 30 days of the modification. The plan and any supplements shall be followed throughout the term of the Permit.

Plans and manuals required by 40 CFR Part 112, contingency plans required by Chapter 173-303 WAC, or other plans required by other agencies which meet the intent of this Section may be submitted.

S9. ACUTE TOXICITY

The Permittee would normally be required to submit an acute effluent characterization of its stormwater effluent. However, since it is anticipated that the Permittee would need to implement significant stormwater treatment to meet the final effluent limitations required by this permit, a compliance schedule is granted to the Permittee and acute toxicity characterization was determined to not be needed during this permit cycle. It is recognized by the Department that the Permittee's effluent characteristics would change once stormwater treatment has been implemented.

S10. CHRONIC TOXICITY

Reserved. Chronic WET testing may be required in a future permit.

S11. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

The definitions of terms used in this section are provided in the guidance document entitled *Stormwater Pollution Prevention Planning for Industrial Facilities*, which is published by the Department of Ecology.

A. Plan Development Deadlines

The Permittee shall implement all the elements of the SWPPP including operational, treatment and source control BMPs, as well as erosion and sediment control BMPs determined necessary.

The guidance for development of an SWPPP is available from the Industrial Permit Coordinator, Southwest Regional Office, Water Quality Program.

B. General Requirements

1. Submission, Retention, and Availability:

   The SWPPP and all of its modifications shall be signed in accordance with Special Condition G1. Retain the SWPPP on-site or within reasonable access to the site.

2. Modifications:

   The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation or maintenance, which causes the SWPPP to be less effective in controlling the pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP shall be modified, as appropriate, within two (2) months of such determination. The proposed modifications to the SWPPP shall be submitted to the Department at least 30 days in advance of implementing the proposed changes in the plan unless Ecology approves immediate implementation. The Permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.

3. The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into an SWPPP become enforceable requirements of this permit.

4. The Permittee shall prepare the SWPPP in accordance with the guidance provided in the *Stormwater Pollution Prevention Planning for Industrial Facilities*. The plan shall contain the following elements:

   a. Assessment and description of existing and potential pollutant sources.

   b. A description of the operational BMPs.

   c. A description of selected source-control BMPs.

   d. When necessary, a description of the erosion and sediment control BMPs.

   e. When necessary, a description of the treatment BMPs.

f. An implementation schedule.

C. Implementation

The Permittee shall conduct two inspections per year - one during the wet season (October 1 – April 30) and the other during the dry season (May 1 – September 30).

1. The wet season inspection shall be conducted during a rainfall event by personnel named in the SWPPP to verify that the description of potential pollutant sources required under this permit are accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate. The wet weather inspection shall include observations of the presence of floating materials, suspended solids, oil and grease, discolorations, turbidity, odor, etc. in the stormwater discharge(s).

2. Personnel named in the SWPPP shall conduct the dry season inspection. The dry season inspection shall determine the presence of unpermitted non-stormwater discharges such as domestic wastewater, noncontact cooling water, or process wastewater (including *leachate*) to the *stormwater drainage system*. If an unpermitted, non-stormwater discharge is discovered, the Permittee shall immediately notify the Department.

D. Plan Evaluation

The Permittee shall evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of the permit or whether additional controls are needed. A record shall be maintained summarizing the results of inspections and include a certification, in accordance with Conditions S2.B and G1, that the facility is in compliance with the plan and in compliance with this permit. The record shall identify any incidents of noncompliance.

S12. COMPLIANCE WITH ECOLOGY STORMWATER MANUAL; ADDITIONAL OPERATIONAL BMPS

Within 60 days of the effective date of the permit, the Permittee shall implement the following operational BMPs (if not already implemented), and within 180 days of the effective date of the permit, the Permittee shall implement the following structural BMPs (if not already implemented). The permittee will comply with all Applicable Operational BMPs and Applicable Structural Source Control BMPs for Wood Treatment Areas in the Department of Ecology's Stormwater Management Manual for Western Washington; Volume IV, (Source Control BMPs) page 2-67 and 2-68. Those Applicable requirements are:

A. Applicable Operational BMPs

- Dedicate equipment that is used for treatment activities to prevent the tracking of treatment chemicals to other areas of the site.
- Eliminate non-process traffic on the drip pad. Scrub down non-dedicated lift trucks on the drip pad.
- Immediately remove and properly dispose of soils with visible surface contamination (green soil) to prevent the spread of chemicals to ground water and/or surface water via stormwater runoff.
- If any wood is observed to be contributing chemicals to the environment in the treated wood storage area, relocate it on a concrete chemical containment structure until the surface is clean and until it is drip free and surface dry.
- The Permittee will completely top- and side-wrap all treated dimensional lumber bundles with no lumber left uncovered in the drying or storage areas until it has been so wrapped; or completely covered or otherwise completely isolated from contact from rainfall and stormwater runoff.
- The Permittee will completely cover or otherwise completely isolate from contact from rainfall and stormwater runoff all other treated wood products and newly stored treated wood products. Newly stored refers to treated products that Manke Lumber may bring on-site for storage and/or re-sale.
- The Permittee will move any treated lumber that needs to be washed-down to the drip pad before spraying the wood and allow the lumber to drip dry before moving it off the drip pad.
- The Permittee will install, inspect on a regular basis and maintain in working condition catch basin inserts in all catch basins to minimize the discharge of floating and settleable pollutants.
- The Permittee will maintain outdoor areas such that they are free of treated wood debris that is exposed to rainfall and stormwater runoff.
- The Permittee will adopt protocols to prevent tracking of process wastewater contaminants from process areas into storage areas. Protocols will include use of boot covers for all employees working in process areas, or a similar measure or measures, and dedicated vehicles in process areas. When vehicles other than dedicated vehicles must access process areas, the Permittee will decontaminate these vehicles prior to exit to minimize tracking of pollutants out of the process area.

B. Applicable Structural Source Control BMPs

- Dedicate equipment that is used for treatment activities to prevent the tracking of treatment chemicals to other areas of the site.
- Cover and/or enclose, and contain with impervious surfaces, all wood treatment areas. Slope and drain areas around dip tanks, spray boots, retorts, and any other process equipment in a manner that allows return of treatment chemicals to the wood treatment process.

- Cover storage areas for freshly treated wood to prevent contact of treated wood products with stormwater. Segregate clean stormwater from process water. Ensure that all process water is conveyed to an approved treatment system.
- Seal any holes or cracks in the asphalt areas that are subject to wood treatment chemical contamination.
- Elevate stored, treated wood products to prevent contact with stormwater run-on and runoff.
- Place dipped lumber over the dip tank, or on an inclined ramp for a minimum of 30 minutes to allow excess chemical to drip back to the dip tank.
- Place treated lumber from dip tanks or retorts in a covered paved storage area for at least 24 hours before placement in outside storage. Use a longer storage period during cold weather unless the temporary storage building is heated. The wood shall be drip free and surface dry before it is moved outside.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.

B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to the Department.

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section shall make the following certification:

> I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.

B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.

C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.

D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:

1. Violation of any permit term or condition.

2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.

3. A material change in quantity or type of waste disposal.

4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].

5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].

6. Nonpayment of fees assessed pursuant to RCW 90.48.465.

7. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.

B. The following are causes for modification but not revocation and reissuance except when the permittee requests or agrees:

1. A material change in the condition of the waters of the state.

2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.

3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.

4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.

5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.

6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.

7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.

2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

G4. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, but no later than sixty (60) days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or

increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification

under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit.

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars ($10,000) and costs of prosecution, or by imprisonment

in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars ($10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G16. UPSET

Definition – "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S2.E; and 4) the Permittee complied with any remedial measures required under S3.C of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G18. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G19. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the

regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G20. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G21. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Department.

G22. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

G23. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify the Department as soon as they know or have reason to believe:

A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"

1. One hundred micrograms per liter (100 µg/l).

2. Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony.

3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

4. The level established by the Director in accordance with 40 CFR 122.44(f).

B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"

1. Five hundred micrograms per liter (500 µg/l).

2. One milligram per liter (1 mg/l) for antimony.

3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

4. The level established by the Director in accordance with 40 CFR 122.44(f).

G24. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.